

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-091078

01/25/2010

HON. M. JEAN HOAG

CLERK OF THE COURT
C. Towles
Deputy

IN RE THE MARRIAGE OF
VICTORIA LYN SIMS

STEVEN M ELLSWORTH

AND

GREGORY J SIMS

DAVID B HIGGINS

AG-CHILD SUPPORT-EAST VALLEY
OFFICE
CONCILIATION SERVICES-SE
FAMILY COURT CONFERENCE
CENTER-SE
FAMILY COURT SERVICES-CCC
IV-D COMMISSIONER-SE

MINUTE ENTRY

Courtroom 302-SE

10:07 a.m. This is the time set for Resolution Management Conference on Petitioner/Mother's *Petition for Order to Appear Re: Modification of Custody and Child Support*, filed October 13, 2010. Petitioner/Mother is present telephonically and is represented by Glenn D. Halterman on behalf of above named counsel. Respondent/Father is present and is represented by above named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

LET THE RECORD REFLECT the Court is advised that Petitioner's last name has changed.

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IT IS ORDERED amending the caption of this case to reflect Petitioner's true name is now Victoria Lyn Bohannon.

IT IS FURTHER ORDERED directing the Office of the Clerk of the Superior Court to change the name on the caption of this case for Petitioner from Victoria Lyn Sims to Victoria Lyn Bohannon effective immediately.

Discussion is held regarding the status of the case, custody, child support, and overpayment of child support.

THE COURT NOTES that this is a Title IV-D matter and the State was previously involved; Counsel for Mother states that this should have been resolved. The Court will allow the State to intervene and inform the Court if the Court should not proceed on the child support issue. The Court will proceed if it does not receive an intervention.

LET THE RECORD REFLECT that Father is requesting a calculation. Currently, Father is paying \$164.00 in child support to Mother. Father states there are no arrears and requests reimbursement for overpayment (from a tax intercept). The Court endorses the Title IV-D Commissioner as Father is requesting a release of these funds.

LET THE RECORD FURTHER REFLECT that Father is concerned that his November and December child support payments have been held as has the tax intercept.

IT IS ORDERED referring this matter to the Family Court Conference Center for an arrearage calculation for dissemination to the parties, this Court and the assigned Title IV-D Commissioner.

Upon request of counsel,

IT IS ORDERED the parties shall participate in a **Parenting Conference**. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

IT IS FURTHER ORDERED that the Parenting Conference Provider shall interview the minor child, Daniel, date of birth: March 4, 1998.

IT IS FURTHER ORDERED granting leave for Petitioner/Mother to appear telephonically at the Parenting Conference.

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IT IS FURTHER ORDERED that immediately following this hearing each party is directed to pay the **\$300 per party** fee at the Clerk of the Court filing counter. Forms to request a fee deferral are available at the filing counter.

WARNING

IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE IN ORDER TO AVOID FEE COLLECTION.

IT IS FURTHER ORDERED setting this cause for **Trial** to the Court on **August 4, 2010 at 1:30 p.m.** before:

The Honorable M. Jean Hoag
Southeast Judicial District
Courtroom 302
222 East Javelina Avenue
Mesa, Arizona 85210

Time Allotted: 2 hours

Issues to be heard: Modification of custody and child support.

IT IS FURTHER ORDERED all discovery and disclosure shall be completed by **July 5, 2010**.

A **Joint Pretrial Statement** shall be filed pursuant to Rule 6.8(b), Local Rules of Maricopa County (Domestic Relations Proceedings) no later than **July 28, 2010**. If the parties want to make an opening statement, it may be included in the Pretrial Statement. In addition, each party shall attach to the Pretrial Statement:

1. An updated affidavit of the current financial circumstances pursuant to Rule 6.7, Local Rules of Maricopa County.
2. A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.

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Objections and pretrial motions not filed by **July 21, 2010** will be deemed waived. Postponements will be granted only in accordance with appropriate rules.

Failure of counsel or of any party to present a Pretrial Statement in proper form including each and every attachment required shall, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.2(e).

If this matter is settled and will proceed in the manner of a default, you may contact this division for an expedited hearing date.

Counsel are advised that if the presentation of evidence does not allow for closing arguments, the Court will direct the parties to submit written closing arguments. If time allows for closing arguments, the Court may hear closing arguments at that time.

IT IS ORDERED that no less than five (5) business days prior to Trial, the parties and, if represented, counsel shall provide to the clerk of this division any exhibits they shall seek to admit into evidence. **All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 12:00 p.m. on July 28, 2010. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** No Trial exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

IT IS FURTHER ORDERED that in the event the parties have a natural or an adopted minor, un-emancipated child in common, both parties shall have completed an approved Parent Education Program in accordance with A.R.S. § 25-831 et seq. Prior to the trial, and file proof thereof prior to or at the trial. **IF NEITHER PARTY HAS COMPLETED THE PARENT EDUCATION PROGRAM PRIOR TO THE TRIAL, THE COURT MAY VACATE THE TRIAL AND REQUIRE COMPLIANCE PRIOR TO PROCEEDING.** If only one party has completed the Parent Education Program, the Court may permit that party to proceed by default.

IF EITHER PARTY FAILS TO APPEAR FOR TRIAL, THE TRIAL MAY NEVERTHELESS PROCEED, AND RELIEF MAY BE ENTERED IN FAVOR OF THE PARTY WHO HAS APPEARED.

IF BOTH PARTIES FAIL TO APPEAR, THE TRIAL MAY BE VACATED AND/OR THE ACTION MAY BE DISMISSED.

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NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division **five (5) court business days** before the scheduled hearing.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

10:18 a.m. Matter concludes.

FILED: Acknowledgment and Notice of Parenting Conference (2).

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.